CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

DATE: April 7, 2017

TO: Newton Charter Commission

FROM: Ouida C. M. Young, Deputy City Solicitor

RE: Proposed District Councilors

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I have been asked by several members of the Charter Commission if I have any comments on the proposal under consideration to have a District residency requirement for four (4) councilors elected at large. As I understand the proposal, the District residency requirement would be in lieu of retaining the present Ward residency requirement, although all councilors would be elected at large and not by vote solely of their respective District.

The Law Department does not take policy positions or express opinions regarding policy positions. However, the Law Department's experiences working with the current charter may be helpful to the Charter Commission in terms of some of the proposed provisions in a new charter.

Proposed District Councilors

I am not aware at the moment of any criteria being considered to establish the boundaries of Districts nor has the entity which would determine District boundaries been identified. The proposed charter needs to have a clearly stated set of criteria to be followed by whoever is tasked with drawing the District boundaries.

Worcester's Charter, which does include the election of a number of its councilors from districts, directs its Election Commission to divide the city into districts and also has a set of criteria to be followed in establishing those districts based on precincts.[1] Worcester's Election Commission consists of two members from each of the political parties and one member not affiliated with any party, unlike Newton's Election Commission which consists of only members of the two political parties although the majority of Newton voters are independents.

By state law, in Newton the wards and precincts are drawn by the City Council, and how the precinct boundaries are to be drawn is highly regulated by G.L. c. 54, sec. 2 and reviewed by a state agency known as the Local Election Districts Review Commission. If the proposed charter moves away from a residence requirement based on wards and precincts, which must meet statutorily prescribed standards and are reviewed by a state entity for compliance with those standards, then the charter needs itself to clearly state the criteria to be used by the entity drawing the district boundaries.

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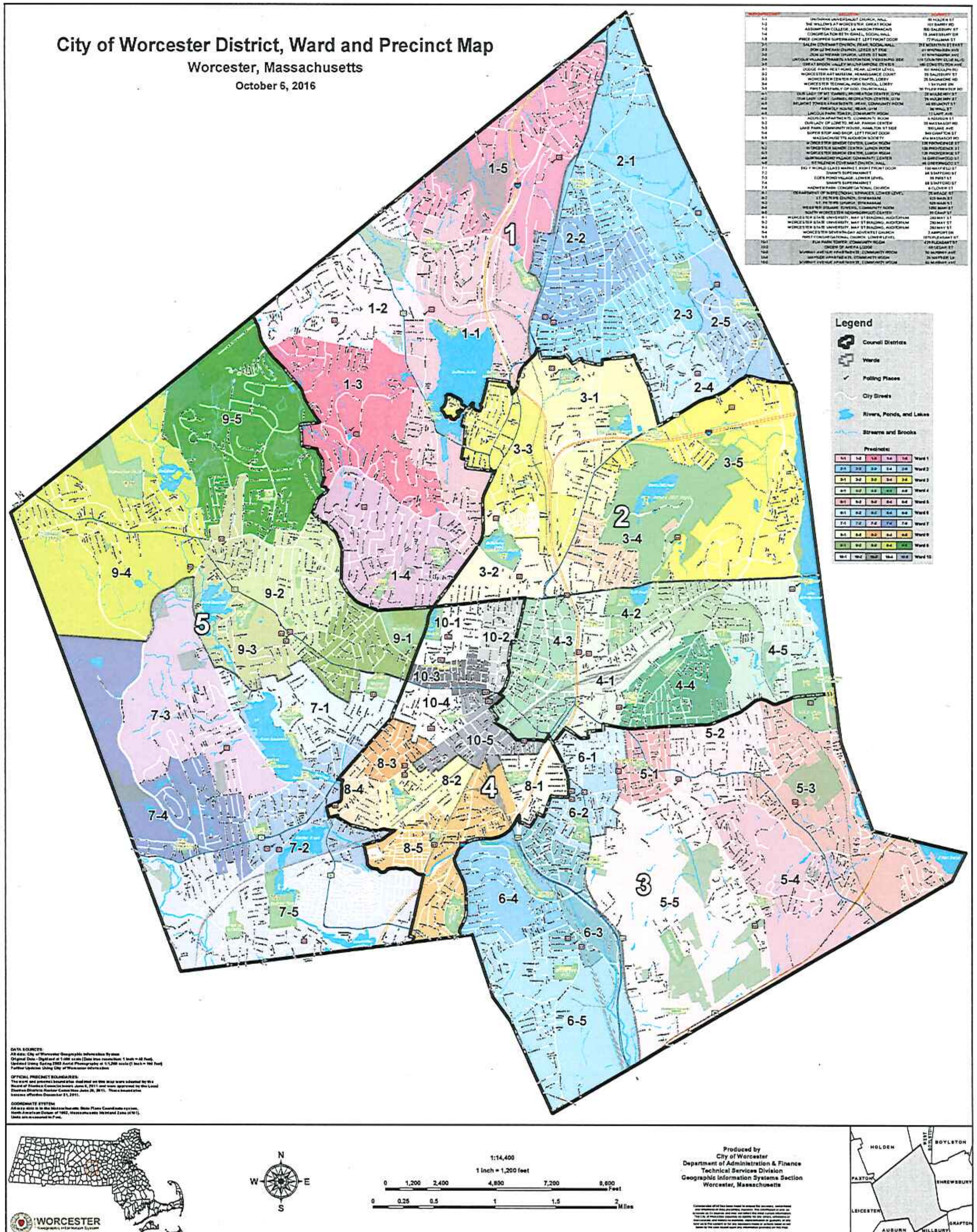
[1] Sec. 7-6(a) of Worcester's Charter provides: "Number, Requirement – the board of election commissioners shall divide the city into five districts for the purpose of electing district councilors under Article 2 of this charter. Each such district shall be compact and shall contain, as nearly as may be, an equal number of inhabitants, shall be composed of contiguous existing precincts, and shall be drawn with a view toward preserving the integrity of existing neighborhoods."

The Charter Commission may also want to consider whether the Districts should be based on precincts or wards or something else altogether. Whether the Districts are based on precincts or wards or something else may have a bearing on the selection of the entity responsible for drawing those boundaries. If Districts are based on wards and precincts, should the same entity that draws the boundaries of the wards and precincts also draw the boundaries for the Districts? Should it be a different entity?

I've attached a map showing Worcester's district, ward, and precinct boundaries. While Worcester's Charter calls for districts to be based on precincts, in fact the districts appear to be based on the combination of two wards without exception. Perhaps a useful exercise for the Charter Commission would be coming up with the criteria for the Districts, seeing how that criteria actually might apply to Newton's existing wards and precincts, and whether a simply criterion that calls for 2 abutting wards to be combined into a single district would work as well as a more complicated set of criteria.

Finally, just as the Charter Commission has been doing in terms of the work done to date, the discussion and any policy decision made by the Commission with regard to a residency requirement based on a district model needs to be documented so that those called upon in the future to interpret what the Charter requires have some legislative history to consider and the public is clear as to what a residency requirement based on Districts is intended to achieve. Again, my comments are not directed at any policy decision, but solely at the practical considerations that should be thoroughly discussed in making that policy decision.

Please let me know if you have any questions regarding my comments and thank you for the opportunity to offer comments.


City of Worcester District, Ward and Precinct Map
Worcester, Massachusetts
October 6, 2016
Legend
Council Districts
Wards
Polling Places
City Streets
Rivers, Ponds, and Lakes
Streams and Brooks
Precincts
Ward 1
Ward 2
Ward 3
Ward 4
Ward 5
Ward 6
Ward 7
Ward 8
Ward 9
Ward 10
1-1
1-2
1-3
1-4
1-5
2-1
2-2
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2-4
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10-5
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W
1:14,400
1 inch = 1,200 feet
0 1,200 2,400 4,800 7,200 9,600 Feet
0 0.25 0.5 1 1.5 2 Miles
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